

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

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§
§

VS.

CRIMINAL NO. H-09-639

JASON ELLIOT BENNETT

§

MEMORANDUM AND ORDER

On June 28, 2010, Jason Elliot Bennett was sentenced in this court to a 50-month prison sentence following his conviction for being a felon in possession of a weapon. Bennett was subsequently convicted of a new state charge. Bennett was sentenced in state court to a five-year term of imprisonment for theft. He asks this court to give him credit or arrange for the two sentences to run concurrently. (Docket Entry No. 42).

The fact that the state conviction resulted from conduct that occurred shortly after Bennett received his federal sentence, while he was on bond, weighs heavily against granting his request for retroactive designation of his state sentence for service of his federal sentence. When this court imposed sentence, there was no pending state-court conviction and no undischarged term of imprisonment. The state-court conviction is not related to the offense for which Bennett was sentenced in federal court. Ordinarily, sentences for separate offenses are to run consecutively and 18 U.S.C. § 3584(a) states that multiple terms of imprisonment imposed at different times are to run consecutively unless the court orders otherwise.

The motion for retroactive designation or concurrent sentencing, (Docket Entry No. 42), is denied.

SIGNED on July 13, 2012, at Houston, Texas.


Lee H. Rosenthal
United States District Judge